

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

ALDIS NEVELS

PLAINTIFF

v.

CIVIL ACTION NO. 5:17-CV-6-KS-MTP

**NANCY A. BERRYHILL, ACTING
COMMISSIONER OF SOCIAL SECURITY**

DEFENDANT

ORDER

The Court **grants in part and denies in part** Plaintiff's Motion for Attorney's Fees [23]. The Court awards Plaintiff fees under the EAJA in the amount of \$5,902.84. The Court also awards Plaintiff costs in the amount of \$17.67. The funds shall be made payable to the Plaintiff, Aldis Nevels.

First, Plaintiff demands \$4,557.38 in fees for his attorney, \$887.50 in fees for his attorney's law clerk, and \$790.00 in fees for his attorney's paralegal. In response, the Government objects to the proposed hourly rate for the attorney and law clerk. The Government suggests that the Court should award attorney's fees in the amount of \$4,402.84 for the attorney and \$710.00 for the law clerk. In reply, Plaintiff does not oppose the Government's objection. Therefore, the Court finds that the parties agree on a total fee award of \$5,902.84.¹

Next, the Government does not oppose Plaintiff's demand of costs in the amount of \$17.67. Therefore, the Court will grant Plaintiff's motion in that respect.

¹ \$4,402.84 + \$710.00 + \$790.00 = \$5,902.84

Finally, Plaintiff requests that the Court order that the funds be made payable directly to his attorney, Olinsky Law Group. The Fifth Circuit has explicitly held that “EAJA fees are paid to the claimant, who may or may not tender the award to counsel.” *Jackson v. Astrue*, 705 F.3d 527, 531 (5th Cir. 2013); *see also Hebert v. Comm’r of Social Sec.*, No. 2:17-CV-13-KS-MTP, 2017 WL 5011892, at *1 (S.D. Miss. Nov. 2, 2017); *Roe v. Astrue*, No. 1:11-CV-321-HSO-RHW, 2012 WL 6084638, at *1 (S.D. Miss. Dec. 6, 2012). Therefore, the fees shall be made payable directly to Plaintiff.

SO ORDERED AND ADJUDGED this 29th day of March, 2019.

/s/ Keith Starrett
KEITH STARRETT
UNITED STATES DISTRICT JUDGE